



EXPEDITED RULE MAKING

CR-105 (June 2004)
(Implements RCW 34.05.353)
EXPEDITED RULE MAKING ONLY

Agency: Department of Social and Health Services, Health and Recovery Services Administration

Title of rule and other identifying information: (Describe Subject)

The department is amending WAC 388-505-0220 - Family medical eligibility.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

Name: Rules Coordinator

Agency: Department of Social and Health Services

Address: PO Box 45850, Olympia, WA, 98504-5850

or Deliver to: Blake Office Park East - 4500 - 10th Ave. SE, Lacey, Washington 98503

E-mail: DSHSRPAURulesCoordinator@dshs.wa.gov

Fax: 360-664-6185

AND RECEIVED BY 5 p.m. on August 18, 2008

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The purpose of this proposal is to correct outdated cross-references:

(a) In WAC 388-505-0220(1)(c) replacing reference to "Chapter 388-222" with "WAC 388-400-0010(2)"; and

(b) In WAC 388-505-0220(5) replacing reference to "WAC388-505-0210(4)(c)(i) and (ii)" with "WAC 388-505-0210(6)".

Reasons supporting proposal:

Correcting the outdated cross references to WAC sections that no longer exist will eliminate potential confusion for the public and make the rule clearer and easier to understand.

Statutory authority for adoption:
RCW 74.04.050, RCW 74.08.090

Statute being implemented:
RCW 74.04.050, RCW 74.08.090

Is rule necessary because of a:

Federal Law?

☐ Yes

☒ No

Federal Court Decision?

☐ Yes

☒ No

State Court Decision?

☐ Yes

☒ No

If yes, CITATION:

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: June 12, 2008

TIME: 10:28 AM

WSR 08-13-044

DATE

June 10, 2008

NAME (TYPE OR PRINT)

Stephanie Schiller

SIGNATURE

Stephanie E Schiller

TITLE

DSHS Rules Coordinator

(COMPLETE REVERSE SIDE)

Name of proponent: (person or organization):

Department of Social and Health Services

☐ Private

☐ Public

☒ Governmental

Name of agency personnel responsible for:		
Name	Office Location	Phone
Drafting..... Jonell Blatt, Rules Manager, HRSA	PO Box 45504 Olympia, WA 98504	(360) 725-1571
Implementation.... Kevin Cornell, Regional Medicaid Eligibility Representative, HRSA	PO Box 45502 Olympia, WA 98504	(360) 725-1423
Enforcement..... Kevin Cornell, Regional Medicaid Eligibility Representative, HRSA	PO Box 45502 Olympia, WA 98504	(360) 725-1423

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

AMENDATORY SECTION (Amending WSR 05-16-127, filed 8/3/05, effective 9/3/05)

WAC 388-505-0220 Family medical eligibility. (1) A person is eligible for categorically needy (CN) medical assistance when they are:

(a) Receiving temporary assistance for needy families (TANF) cash benefits;

(b) Receiving Tribal TANF;

(c) Receiving cash diversion assistance, except SFA relatable families, described in ((~~chapter 388-222~~)) WAC 388-400-0010(2);

(d) Eligible for TANF cash benefits but choose not to receive; or

(e) Not eligible for or receiving TANF cash assistance, but meet the eligibility criteria for aid to families with dependent children (AFDC) in effect on July 16, 1996 except that:

(i) Earned income is treated as described in WAC 388-450-0210; and

(ii) Resources are treated as described in WAC 388-470-0005 for applicants and 388-470-0026 for recipients.

(2) An adult cannot receive a family Medicaid program unless the household includes a child who is eligible for:

(a) Family Medicaid;

(b) SSI; or

(c) Children's Medicaid.

(3) A person is eligible for CN family medical coverage when the person is not eligible for or receiving cash benefits solely because the person:

(a) Received sixty months of TANF cash benefits or is a member of an assistance unit which has received sixty months of TANF cash benefits;

(b) Failed to meet the school attendance requirement in chapter 388-400 WAC;

(c) Is an unmarried minor parent who is not in a department-approved living situation;

(d) Is a parent or caretaker relative who fails to notify the department within five days of the date the child leaves the home and the child's absence will exceed ninety days;

(e) Is a fleeing felon or fleeing to avoid prosecution for a felony charge, or is a probation and parole violator;

(f) Was convicted of a drug related felony;

(g) Was convicted of receiving benefits unlawfully;

(h) Was convicted of misrepresenting residence to obtain assistance in two or more states;

(i) Has gross earnings exceeding the TANF gross income level; or

(j) Is not cooperating with WorkFirst requirements.

(4) An adult must cooperate with the division of child support in the identification, use, and collection of medical support from responsible third parties, unless the person meets the medical exemption criteria described in WAC 388-505-0540 or the medical

good cause criteria described in chapter 388-422 WAC.

(5) Except for a client described in WAC ((~~388-505-0210~~
~~(4)(c)(i) and (ii)~~)) 388-505-0210(6), a person who is an inmate of
a public institution, as defined in WAC 388-500-0005, is not
eligible for CN or MN medical coverage.